

## **REMARKS**

This paper is in response to the Office Action mailed December 13, 2005. Claims 1-31 are pending. Reconsideration of this application is requested.

### **Claim Rejections**

Claims 1, 2, 5-7, 9, 11, 13-18, 21-23, 25, 27 and 29-31 were rejected under 35 U.S.C. 102(b) as anticipated by Pieper et al. (U.S. Patent No. 5,152,917). Applicants disagree with this rejection.

Claims 3, 4, 8, 10, 12, 19, 20, 24, 26 and 28 were rejected under 35 U.S.C. 103(a) as unpatentable over Pieper et al. (U.S. Patent No. 5,152,917). Applicants also disagree with this rejection.

Claims 1 and 17 are the independent claims. Each of these recites a two by two array of protruding units. The distal linear region of each protruding unit, when projected on to a plane that is coplanar with its respective base, extends between non-central points on the first and second sides of the base, and is not co-linear to a third side of the base. That is, the distal linear region does not form a plane orthogonal to the third side of the base.

Applicants have argued that FIG. 9 of Pieper et al. provides a sawtooth pattern having its linear distal region positioned 90 degrees to or orthogonal to the base edge.

In this Office Action, the Examiner has attempted to show other sawtooth shapes that do not have the linear distal region positioned 90 degrees to the base edge. The Office Action shows FIG. 1 of U.S. Patent No. 5,484,330 and FIG. 3 of U.S. Patent No. 6,761,620. Applicants contend that although these may be sawtooth shapes, they are not the sawtooth shape shown in FIG. 9 of Pieper et al. U.S. Patent No. 5,152,917, Pieper et al., on which the rejections are based, discloses the one sawtooth shape, that of FIG. 8, FIG. 9, and also FIG. 17. The reference on which the rejections are based does not disclose any other sawtooth shapes. The Examiner is no doubt aware that a rejection for anticipation under 35 U.S.C. 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. See In re Paulsen, 30 F.3d 1475, 1478-1479 (Fed. Cir. 1994). Pieper et al. does not disclose the sawtooth shape recited by the pending claims. Although there is the statement that "the optimum shape of a composite depends up the particular abrading application" (col. 8, lines 34-35), there is no

suggestion of having a sawtooth as recited, since all that Pieper et al. discloses, in respect to sawtooth, is that illustrated in FIGS. 8, 9 and 17.

Further, Applicants continue to contend that Pieper et al. does not disclose a 2x2 array of sawtooth shapes. Pieper et al. discloses 2x2 (and larger) arrays of pyramidal composites.

Applicants contend that, at least for all these reasons provided above, Pieper et al. does not anticipate the pending claims. Withdrawal of the Section 102 rejection is requested.

Additionally, Pieper et al. does not suggest or lead one to the pending claims. At least because Pieper et al. does not meet every recitation of the pending independent claims, claims 1 and 17, and does not suggest every recitation of the pending independent claims, dependent claims are patentable at least for the same reasons that claims 1 and 17 are patentable. Withdrawal of the Section 103 rejection is requested.

#### **Double Patenting**

Claims 1-31 were rejected based on nonstatutory obviousness-type double patenting over various claims of pending application 10/668,410. Upon indication of allowable subject matter, Applicants will provide a Terminal Disclaimer, if necessary.

#### **Summary**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone Applicant's attorney Dan Biesterveld, Reg. No. 45,898, at 651.737.3193.

Respectfully submitted,

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